IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1833 OF 2005

1. Jairam Harichandra Namugade & 4 ors.] .. Petitioners

Versus

1. State of Maharashtra & 5 ors.] .. Respondents

Mr. N.M. Ganguli for the petitioners.

Mr. Vishal Phal, AGP, for the respondents No.1 to 3.

CORAM: R.M. LODHA, &
SMT. NISHITA MHATRE, JJ.

DATED: 16TH JANUARY, 2007

P.C. :

. We heard the counsel for the petitioners, the Assistant Government Pleader for the respondents No.1, 2 and 3 and Mr. Piyush Shah for the respondent No.6.

2. The Writ Petition can be disposed of at this stage itself as prayer made in the Writ Petition is for direction to respondents No.1 to 3 to execute the recovery certificate issued by Labour Court on 27th March, 2002 (pages 45-46 of the Paper Book).

3. It is not in dispute that amount sought to be recovered vide Certificate issued by the 6th Labour Court under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, has to be recovered as an arrears of land revenue under the Maharashtra Land Revenue Code, 1966. As a matter of fact, in the reply Affidavit filed by Naib Tahsildar, Recovery of Government Dues, it is stated that the officers from the office of Tahsildar - Recovery (Labour Dues) took steps with regard to the recovery certificate, but the premises of respondents No.4 and 5 were found closed. Later on, notices were issued to respondents No.4 and 5 under Section 178 of the Maharashtra Land Revenue Code and one Smt. Suhasini Gandhi informed that the respondents No.4 and 5 were not functioning and the sole proprietor Shri Umesh Gandhi had expired on 30th May, 2003 and she was not aware of the business matters. It also appears from the said Affidavit that Smt. Suhasini Gandhi, who has now been impleaded as respondent No.6, has preferred an Appeal from the order passed by the Labour Court.

4. In the circumstances, we are satisfied that no case for issuance of mandamus is made out. The petitioners must pursue their appropriate remedy before

the Recovery authorities.

5. Writ Petition is disposed of accordingly.

Sd/-
[R.M. LODHA, J.]

Sd/-
[SMT. NISHITA MHATRE, J.]